Supreme Court, U.S.
FILED
991317 DEC - 3 1999
OFFICE OF THE CLERK

No. _____

In The

Supreme Court of the United States

BETTY MUKA

Petitioner,

v.

THE RUTHERFORD INSTITUTE, ET AL.,

Respondents.

On Petition for a Writ of Certiorari
To the United States Court of Appeals
For the District of Columbia

PETITION FOR WRIT OF CERTIORARI

Betty Muka
Petitioner
113 Kay Street
Ithaca, N. Y. 14850
(607) 257-2016

54pp

QUESTIONS PRESENTED FOR REVIEW

1. Has the United States Supreme Court ruled on the constitutionality of the set of Independent Counsel Statutes after they were reenacted and amended in 1994? (No.)

2. Is the current set of Independent Counsel Statutes unconstitutional on its face? (Yes.)

3. Is the current set of Independent Counsel Statutes unconstitutional as used? (Yes.)

4. Is the set of Independent Counsel Statutes unconstitutional as abused by Kenneth W. Starr and/or conspirators? (Yes.)

5. Was there a R.I.C.O. conspiracy involved in relation to the set of Independent Counsel statutes that Kenneth W. Starr and/or his conspirators used against President William Jefferson Clinton and others? (Yes.)

6. Did members of that R.I.C.O. conspiracy, including the defendants below, obstruct one or more constitutional challenges to that set of Independent Counsel statutes, including, but not limited to, the one below? (Yes.)

7. Did members of that R.I.C.O. conspiracy, including the defendants below, unconstitutionally purport to sua sponte authorize the current set of Independent Counsel statutes to continue in force despite the fact that they have expired? (Yes.)

QUESTIONS PRESENTED FOR REVIEW (CONT.)

8. Did members of that R.I.C.O. conspiracy, including the defendants below, unconstitutionally obstruct the adjudication of the R.I.C.O. claim below? (Yes.)

9. If there is a right of each and every citizen to vote, which is so important as to be specifically protected by the U.S. Constitution, and that right is unabridgable, is there not an unabridgable right for each and every citizen to petition the government for redress when their right to vote for the President of the United States is about to be nullified through unconstitutional means and activities? (Yes.)

10. Is it constitutionally incumbent upon the United States Supreme Court to protect and uphold the constitution of the United States and the "republican form of government" by preventing the demonstrated dangers to the overthrow of the government by "white collar treason"? (Yes.)

11. Do the set of Independent Counsel statutes unconstitutionally delegate powers and immunities to an Independent Counsel who is given unlimited resources and is unelected and not responsible to or required to make any report to any executive, legislative or judicial branch of the government, which places him outside of the system of checks and balances of our constitution? (Yes.)

12. Should ~~a writ of~~ supervisory Mandamus be issued to the Circuit and U.S. District Court below upon remand to determine the amount of R.I.C.O. damages to be awarded? (Yes.)

13. Was President William Jefferson Clinton impeached on no admissible evidence? (Yes.)

14. Was President William Jefferson Clinton impeached for acts which did not constitute "high crimes or misdemeanors"? (Yes.)

15. Does the United States Supreme Court have a constitutitonal duty to this citizen petitioner and/or to all citizens of the United States and/or to all inhabitants of the world, and to set history straight, to declare the current Independent Counsel set of statutes unconstitutional on their face and as applied, and the impeachment of President William Jefferson Clinton constituionally flawed? (Yes.)

16. Is this case one of great public interest in the past, in the present, and most importantly <u>for</u> the future? (Yes.)

17. Has the court below so far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by the lower court, as to call for an exercise of this Court's supervisory power? (Yes. Yes.)

18. Has the Special Division of the Court of Appeals for the District of Columbia <u>perverted</u> this court's holding in <u>Morrison v. Olson</u>, Dist.Col. 1988, 108 S.Ct. 2597, 487 U.S. 654, 101 L.Ed.2d 569, on remand 857 F.2d 801, 273 U.S.App.D.C. 10, to such an extent that Supervisory Mandamus should issue? (Yes.)

PARTIES TO THE PROCEEDINGS

The **petitioner** is Betty Muka, an individual,
The **respondents** are:
The Rutherford Institute;
John Whitehead;
Paula Corbin Jones;
Susan Webber Wright;
The United States District Court for the Eastern District of Arkansas;
Kanneth W. Starr;
Office of Independent Counsel;
Linda Tripp;
Monica Lewinsky;
Janet Reno;
The Office of the United States Attorney General;
The Special Division of the United States Court of Appeals for the District of Columbia Circuit;
Norma Holloway Johnson;
The United States District Court for the District of Columbia;
The Starr Grand Jury;
F.B.I.;
Newsweek;
The United States Supreme Court;
Marcia Lewis;
The Republican Party;
Members of Congress (including each member named individually and the Office of the Secretary of the Senate, the Office of the Clerk of the House of Representatives, the Office of Senate Legal Counsel, the Office of the Chief Administrative Officer of the House of Representatives, and Solicitor General of the United States);
and other JOHN DOES and JANE DOES unknown at this time; all named persons being sued herein as private individuals, and all defendants being sued herein as jointly and severally liable.

Table of Contents

Page	
i	Questions Presented for Review
iv	Parties to the Proceeding
v	Table of Contents
vi	Table of Cited Authorities
1	Petition for Writ of Certiorari
1	~~Petition for Writ of Mandamus~~
1	~~First Amendment Petition for Redress~~
2	Opinions Below
3	Jurisdiction in This Court
4	Const., stat., rule Provisions
4	Statement of the Case
4	A. Jurisdiction in the Trial Court
4	B. The Complaint (3 claims)
5	(relief requested in complaint)
7	(standing, as taxpayer, voter)
9	(standing, as R.I.C.O. victim)
10	Reasons for Granting the Writ
10	re: question #1
11	re: question #2
16	re: questions #3, 4, & 14
22	re: question #5
23	re: questions #6, 7 & 8
26	re: question #9
27	re: questions #10, 11, 12
28	re: questions #13, 14
29	re: questions #15, 16
30	re: questions #17, 18, Concl.
	APPENDIX
A	4/26/99 Judgment of Court of Appeals
B	7/8/98 Order denying Petion for Rehearing & Perm. Injunction
C	7/8/98 Order denying Petition for Rehearing en banc
D	10/22/98 Order of U.S. District Court dismissing sua sponte
E	10/13/99 letter from U.S. Supreme Court Clerk indicating extension of time to 12/3/99
F	11/3/99 Order of Court of Appeals staying the Mandate to 12/3/99
G	Table of Contents to Appeal Brief
	CERTIFICATION OF SERVICE

TABLE OF CITED AUTHORITIES

Page	Constitution, Statutes, and Rules
	United States Constitution
9	Art. I, Sec. 7
9	Art. I, Sec. 8
11	Art. I. Sec. 8(18)
19	Art. II, Sec. 2, cl. 2
24	Art. III, Sec. 1
19	Art. III, Sec. 3(1)
12,27	Art. IV, Sec. 4
27	Art. VI, Sec. 2
27	Art. VI, Sec. 3
	Amendments
26	#1
11	#14
11	#14(5)
7,26	#15
7,26	#19
	Title 18 U.S.C. Secs.
4,22	1962
4	1964(a)
4,10	1964(c)
4	1965(b) and (d)
18,22	2510
18,22	2511
18,22	2514
18,22	2515
18,22	2516
	Title 28 U.S.C. Secs.:
4,9	Chapter 40
4	49
27	453
25	454
4,9,24	591-599 (Independent Counsel)
13,18	591(b), (c)(2)
20	
17	592(e), (g)(4)
17	593(b)(3), (4), (g),

TABLE OF CITED AUTHORITIES (CONT.)

Page	Constitution, Statutes, Rules (cont.)
8,13,17 18,19	594(b) and (c) and (d)(1) and (2) and (f), h(1)(A), (B), (2), i
	595
24	596
12	596(a)(1)
12,24	596(b)(2)
	597
	598
12	599
3	1253
3	1254
4	1331
4	1332
4	1343
3	1651
4,5	2282
5	2284
	Uncodified Laws
9	Pub.L. 100-202, Sec. 101(a)(Title II), Dec. 22, 1987, 101 Stat. 1329-9
9	Pub.L. 95-521, Sec. 601(c) as amended, Pub.L. 97-409 Sec. 2(c)(2), Jan. 3 1983, 96 Stat. 2039
9	Pub.L. 100-191, Sec. 5(b), Dec. 15, 1987, 101 Stat. 1307
	Federal Rules of Civil Procedure
2,4,25	Rule 4(d)(2)
4	Rule 4(e)
5	Rule 65
	Federal Rules of Criminal Procedure
22	Rule 6(e)

TABLE OF CITED AUTHORITIES (CONT.)

Page	Constitution, Statutes, Rules (cont.)
	U.S. Supreme Court Rules, Rule:
3	20
3	29(b) and (c)
	State of Maryland Criminal Statutes
	Courts and Judiciay Proceedings
22	Sec. 10-401
22	Sec. 10-402
22	Sec. 10-403

CASES CITED

20	Dellums v. Smith, D.C.Cal.1984, 557 F.Supp. 1449, reversed on other grounds 797 F.2d 817
23	In re Madison Guranty Savings & Loan Association, 187 F.3d 652 (D.C.Cir. 1999)
19	In re Olson, 1987 88 F.2d 34, 260 U.S.App.D.C. 168
iii,10, 11,15 25,30	Morrison v. Olson, Dist. Col. 1988, 108 S.Ct. 2597, 487 U.S. 654, 101 L.Ed.2d 569, on remand 857 F.2d 801, 273 U.S.App.D.C. 10,
13	U.S. v. Crop Growers Corp., D.D.C. 1997, 954 F.Supp. 335
20	U.S. v. International Brothers of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, S.D.N.Y.1992, 808 F.Supp. 271
13	U.S. v. McDougal, E.D.Ark.1995, 906 F.Supp. 499

TABLE OF CITED AUTHORITIES (CONT.)

Page	Cases Cited (cont.)
15	U.S. v. Tucker, E.D.Ark.1995, 898 F.Supp. 654, reversed, 778 F.3d 1313, rehearing and suggestion for rehearing en banc denied 82 F.3d 1423, certiorari denied 117 S.Ct. 76,, 136 L.Ed.2d 35.
13	U.S. v. Tucker, C.A.8 (Ark.) 1996, 78 F.3d 1313, rehearing and suggestion for rehearing en banc denied 82 F.3d 1423, certiorari denied 117 S.Ct. 76, 136 L.Ed.2d 35
14	U.S. v. Wilson, D.A.D.C.1994, 26 F.3d 142, 307 U.S.App.D.C. 1, S.Ct. 1430, 514 U.S. 1051, 131 L.Ed.2d 311.

OTHER AUTHORITY

22	"The Independent Counsel Statute; an Idea Whose Time Has Passed" (Herbert J. Miller and John P. Elwood) (Law and Contemporary Problems, Winter 1999, Vol. 62, issue No. 1, pp. 113-129)

In The

Supreme Court of the United States

October Term 1999

BETTY MUKA

Petitioner,

v.

THE RUTHERFORD INSTITUTE, ET AL.,

Respondents.

PETITION FOR WRIT OF CERTIORARI

Betty Muka respectfully asks that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia Circuit in this case.

~~PETITION FOR WRIT OF MANDAMUS~~ supervisory

Betty Muka respectfully asks that ~~a writ of~~ mandamus issue to direct the United States Court of Appeals for the District of Columbia to direct the United States District Court for the District of Columbia to hold a jury trial to determine the amount of damages to be awarded to Betty Muka.

~~FIRST AMENDMENT PETITION FOR REDRESS~~

Betty Muka respectfully asks that this honorable court declare that the Independent Counsel set of statutes upon which Kenneth W. Starr was authorized and operated were unconstitutional on their face and as abused by him, and that President William Jefferson Clinton was impeached on no admissible evidence, for acts which did not constitute "high crimes or misdemeanors," and his impeachment was constitutionally flawed.

OPINIONS BELOW (unreported)

The "Judgment" of the Court of Appeals dated 4/23/99 **(annexed App. A)**, is under review here. Without oral argument or opinion, and without any brief in opposition, it affirmed dismissal "substantially for the reasons stated by the district court," ignoring all merit and due process and misconduct issues raised on the appeal (see **App. G**)

The 7/8/99 order of its panel denying rehearing (annexed **App. B**) and 7/8/99 order denying rehearing en banc (annexed **App. C**), are both also under review here.

The "order" of the District Court dated 10/22/98 (annexed **App. D**), is essentially under review here because the Court of Appeals relied upon it. The filing fee of $150 was paid when the Verified Complaint was filed on 10/16/98, but the intake clerk refused to issue any summonses presented. But within a week Petitioner Muka mailed a Fed. R. Civ. Proc. Rule 4(d) notice of the commencement of the action and 2 copies of a request for waiver of service and a cover letter and a copy of the Verified Complaint to every defendant. But without any appearance of any defendant, and without notice or an opportunity for any party to be heard, the sua sponte order dated 10/22/98 was issued dismissing the action, on party-waivable defenses not raised by any party, e.g. a purported "lack of standing" and a purported "lack of specificity" in (also "disbelief" of) the 90-page Verified Complaint that quoted from Kenneth W. Starr's "Report of the Office of Independent Counsel dated 9/9/98" sent to Congress, and relevant statutes and rules, etc., the order not even mentioning the existance of the R.I.C.O. claim #3 (starting on p. 36 of the complaint). **I HEREBY INCORPORATE THE VERFIED COMPLAINT BELOW AND THE ENTIRE RECORD BELOW BY REFERENCE INTO THIS MULTIPLE PETITION.**

JURISDICTION IN THIS COURT

The date of entry of the judgment sought to be reviewed was 4/23/99. **(App. A)**

The date of entry of the order denying rehearing was 7/8/99. **(App. B)**

The date of entry of the order denying rehearing en banc was also 7/8/99. **(App. C)**

The date of entry of the order of the Chief Justice of this court granting my motion for an extension of time in which to file a petition for a writ of certiorari was 10/13/99 and it extended the time to and including December 3, 1999. **(App. E)**

The date of entry of the order of the Court of Appeals below granting my motion to stay the mandate was 11/3/99 and it stayed it to and including December 3, 1999. **(App. F)**

This honorable court has appellate jurisdiction over this Petition for Writ of Certiorari pursuant to Title 28 U.S.C. Sec. 1254.

This honorable court has jurisdiction over this Petition for Writ of Mandamus pursuant to Title 28 U.S.C. Sec. 1254 and Title 28 U.S.C. Sec. 1651 and Supreme Court Rule 20.

This honorable court has jurisdiction over this First Amendment Petition for Redress pursuant to the First Amendment to the United States Constitution in conjunction with Title 28 U.S.C. Secs. 1254 and 1651 and Supreme Court Rule 20.

This honorable court may also have jurisdiction under Title 28 U.S.C. Sec. 1253 if the verified complaint containing the constitutional challenges to the current set of Independent Counsel statutes should have been considered by and determined by a 3-judge court, as requested on p. 87 of the verified complaint and on motion of complainant Muka filed at the time the verified complaint was filed on 10/16/98.

Notification required by Supreme Court Rule 29(b) and (c) is not necessary, since officers of the United States are parties, but this does challenge an Act of Congress.

RELEVANT CONSTITUTIONAL PROVISIONS AND STATUTES AND RULES

This honorable court would be better served by referring to its own copies of the United States Code Annotated for the Constitutional provisions cited herein and for the current set of Independent Counsel statutes challenged herein (Title 28 U.S.C. Chapter 40, including Secs. 49 and 591-599).

STATEMENT OF THE CASE

A. JURISDICTION IN THE TRIAL COURT

Original subject matter jurisdiction in the trial court was pursuant to Title 28 U.S.C. Secs. 1331 (federal question),1332 (diversity), and Sec. 1343 (civil rights). Jurisdiction to grant equitable relief was authorized by Title 18 U.S.C. Sec. 1964(a) and Title 28 U.S.C. Secs. 2282 and 1343. Personal jurisdiction over nonresident parties and other persons was founded on Title 18 U.S.C. Secs. 1965(b) and (d), and service of process was authorized under Fed. R. Civ. P. Rules 4(d) and (e) for extra-territorial service of process. Treble damages under the R.I.C.O. claim is authorized by Title 18 U.S. C. Sec. 1964(c) for plaintiff's injuries which were derived from the pattern of racketeering activity which violated 18 U.S.C. Sec. 1962.

B. THE COMPLAINT

The 90-page Verified Complaint states 3 claims. Claim #1 (starting on p. 3 thereof) is that "THE 'INDEPENDENT COUNSEL STATUTES' ARE UNCONSTITUTIONAL ON THEIR FACE."

Claim #2 (starting on p. 10 thereof) is that "THE INDEPENDENT COUNSEL STATUTES ARE UNCONSTITUTIONAL AS APPLIED."

Claim #3 (starting on p. 36 thereof) is that "ALL NAMED DEFENDANTS ARE MEMBERS OF A CIVIL AND CRIMINAL CONSPIRACY WHICH INCLUDES A RACKETEERING INFLUENCED CORRUPT ORGANIZATION (R.I.C.O.), IN VIOLATION OF TITLE 18 U.S.C. SEC. 1962."

The verification by plaintiff Muka stated that:

"I am the plaintiff in the within action and I have read 'The Independent Counsel's Report to the United States House of Representatives' dated September 9, 1998, and I have watched President William Jefferson Clinton's videotaped testimony before the 'grand jury' in the 'Monica Lewinsky' matter, and I have read the 'White House Rebuttal to Starr Report; Preliminary Memorandum Concerning Referral of Office of Independent Counsel' dated September 11, 1998, and I have read reports and discussions about it all on Television, and I have researched the laws and treatises that I believe are relevant in regard to those matters, and I have stated the facts and the law and my claims to the best of my ability in the annexed Verified Complaint, and upon such information I believe that what I have stated herein is true."

Relief requested included:

On Claim #1, requesting Congress to immediately repeal the Independent Counsel Statutes as unconstitutional on their face, or for the trial court to convene a 3-judge court pursuant to Title 28 U.S.C. Secs. 2282 and 2284 to consider this constitutional challenge, and in the meantime to issue a temporary restraining order and temporary injunction preventing the enforcement of such statute pursuant to rule 65 of the Federal Rules of Civil Procedure.

On Claim #2, requesting Attorney General Janet Reno to unilaterally remove Kenneth Starr as Independent Counsel (for causes listed), and then resign herself (for causes listed), and requesting Congress to immediately repeal the Independent Counsel Statutes as unconstitutional on their face and as applied and to immediately repeal the statutes automatically funding the Office of Independent Counsel and to immediately

terminate the funding for the Office of Independent Counsel, or in the alternative to convene the 3-judge court and issue the TRO and temporary injunction, but also to issue a TRO and preliminary injunction against Kenneth W. Starr and the Office of Independent Counsel prohibiting them from continuing what he was doing (itemized) and to issue a TRO and preliminary injunction preventing Congress from voting on or carrying out the Starr impeachment proceedings until the constitutional questions were resolved.

On claim #3, 24 requests, including all of the above relief plus that the House rescind its 10/8/98 vote to commence an impeachment inquiry of President Clinton, that the House Judiciary Committee keep it from coming to a vote in the House, that the House not vote to try Clinton for impeachment and not vote to impeach him, and that the Senate not vote to remove him from office, that President Clinton fire Janet Reno and the Directer of the F.B.I., that the grand jury return a "no bill" regarding Clinton and the "Monica lewinsky/Paula Jones" matter, that the same or a new grand jury focus on the crimes of the defendants mentioned in the Verified Complaint at bar and indict them, and the new Attorney General prosecute them, that "all material issues of fact and law raised in any pleadings, motions, affidavits, documentary and/or other evidence be tried by jury, that $40,000,000 be awarded as damages in favor of Muka and against the defendants sued as jointly and severally liable, that treble the amount of actual and compensatory damages to Plaintiff's business and property and constitutional voting franchise rights that Plaintiff can prove to the jury at trial also be awarded in favor of Plaintiff, that the jury decide whether to award Plaintiff punitive damages and the amount thereof, that

the court order to the effect that 50% of all funds raised and all gross contract payments and/or rayalties and/or property or services of any and all kinds, etc. that Monica Lewinsky and her mother, Marcia Lewis, and Linda Tripp and Kenneth Starr and John Whitehead and The Rutherfore Institute receive for the next 10 years (regarding the Clinon/Lewinsky/Tripp/Starr, etc. matters) be paid to plaintiff Muka within 2 weeks of receiving them under pain of being held in contempt of court, that plaintiff be authorized to establish and manage a charitable and educational trust for the receipt of such punitive damage payments and for awarding grants to deserving and/or needy individuals or causes, and reasonable attorneys fees be awarded to Muka, and that the jury and this court grant any other and further relief that would be just, whether or not Plaintiff has mentioned it herein. (Compl. pp. 85-89, par. 149)

Plaintiff Betty Muka identified herself as "a native born private citizen of the United States currently living in New York State, engaged in business and who owns real and personal property, who for over 10 years has paid income and other direct and indirect **TAXES** to the United States government, and who exercised plaintiff's **UNABRIDGABLE** 15th and 19th United States Constitutional Amendment rights to **VOTE** and voted for William Jefferson Clinton as President of the United States in the last national presidential election in 1996." (Compl. p. 1)

With regard to Plaintiff Muka's standing as a **VOTER** with UNABRIDGABLE VOTING RIGHTS the complaint stated: "6. THE INDEPENDENT COUNSEL STATUTES DISENFRANCHISE ALL VOTERS OF THE UNITED STATES, INCLUDING PLAINTIFF, BY SETTING UP A SYSTEM THAT AUTHORIZES AND CAUSES THEIR PRESIDENTIAL VOTES TO BE A NULLITY, AND THEIR CONGRESSIONAL VOTES TO BE

A NULLITY, AND SUBJECTS THE VOTERS TO EXTREME MENTAL ANGUISH AND EMOTIONAL DISTRESS AND CONSTERNATION BECAUSE OF SUCH CONTINUOUS AND ONGOING UNBRIDALED THREAT TO AND UNCONSTITUTIONAL ABROGATION OF THEIR VOTING RIGHTS AND THE "CLEAR AND PRESENT DANGER" TO THE PRESIDENT OF THE UNITED STATES AND TO CONGRESS AND TO THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES." (Compl. p. 6, par. 17) Also, "10. Under the Independent Counsel statutes, those delegated have no authority from and no accountability to and no responsibility to the voters or electors. ... 11. If those delegated violate the civil and/or criminal and/or constitutonal law, the voters and electors have no remedy." (Compl. p. 4)

With regard to Plaintiff Muka's standing as a **TAXPAYER** the complaint stated: "31. The Independent Counsel statutes are unconstitutional and are also currently being abused in regard to President Clinton, by using the authority under those statutes and the unconstitutionally unlimited (Sec. 594(b) and (c) and (d)(1) and (2) and h(1)(A)) expenditure of over $40,000,000 of taxpayer's money to marshall hundreds of persons to act to harass President Clinton for no legitimate reason and to interfere with his important duties as President of the United States and to distract his concentration on his difficult job, and to 'try to criminalize his private life,' and to subject him and his family to excruciating and intolerable embarassment and a sustained media circus caused by Independent Counsel's frequent illegal and contemptuous and incessant 'new leaks' of information. (6/30/94 amendments to subsection (d)(1) above have added 'At the request of an independent counsel, prosecutors, administrative personnel, and other employees of the Department of Justice, and other employees of the Department of Justice

may be detailed to the staff of the independent counsel.' Thus the independent counsel is unconsitutionally taking over part of the Department of Justice, and therein hiding more outrageous expenses of his outrageous prosecutions.) 32. Pub.L. 100-202, Sec. 101(a) (Title II), Dec. 22, 1987, 101 Stat. 1329-9 provided in part: 'That a permanent indefinite appropriation is established within the Department of Justice to pay all necessary expenses of investigations and prosecutions by independent counsel appointed pursuant to the provisions of 28 U.S.C. 591 et seq. (chapter 40) or other law.' and Sec. 601(c) of Pub.L. 95-521, as amended Pub .L. 97-409 Sec. 2(c)(2), Jan. 3 1983, 96 Stat. 2039; Pub.L. 100-191, Sec. 5(b), Dec. 15, 1987, 101 Stat. 1307 provided that: 'There are authorized to be appropriated for each fiscal year such sums as may be necessary to be held by the Department of Justice as a contingent fund for the use of any independent counsels appointed under chapter 40 (relating to independent counsel) of Title 28 of the United States Code in the carrying out of functions under such chapter (40).' These laws are unconstitutional for taking the control of expenditures of the office of independent counsels out of the budget process and out of the scrutiny and deliberations of the Congress in passing appropriations bills, and rendering them open-ended and totally out of control (U.S. Const., art. I, Secs. 7 and 8)." (Compl. pp. 12-13, pars. 31 and 32)

With regard to Plaintiff Muka's standing as a **VICTIM OF THE R.I.C.O. CONSPIRACY** related to the Independent Counsel statute and Kenneth W. Starr and conspirators, she demanded "That treble the amount of actual and compensatory damages to Plaintiff's business and property and constitutional voting franchise rights that Plaintiff can

prove to the jury at trial also be awarded in favor of Plaintiff and against all named defendants, made jointly and severally liable (18 U.S.C. Sec. 1964(c))." (Plaintiff had suffered well over $100,000 on one related business matter already, and more was imperiled.)

The rest of the "Statement of the Case" will be shown in the "Reasons for Granting the Writ."

REASONS FOR GRANTING THE WRIT

1. The United States Supreme Court has not Ruled on the Constitutionality of the Set of Independent Counsel Statutes After they were Reenacted and Amended in 1994.

The complaint stated (at pp. 4-5): "It has been ruled that:

> 'Ethics in Government Act restricting Attorney General's power to remove independent counsel to only those instances in which he can show 'good cause' does not impermissibley interfere with President's exercise of his constitutionally appointed functions, in violation of separation of powers doctrine; independent counsel is inferior officer under appointments clause and President's need to control counsel is not essential to functioning of Executive Branch as to require as matter of constitutional law that counsel be terminable at will by the President, like other superior appointive officers are.' Morrison v. Olson, Dist.Col.1988, 108 S.Ct. 2597, 487 U.S. 654, 101 L.Ed.2d 569, on remand 857 F.2d 801, 273 U.S.App.D.C. 10.'

That ruling has already been shown to be wrong, because the Independent Counsel's Office and Kenneth Starr have critically impaired the normal and critical functioning of the Executive Branch, especially by defaming the President of the United States concerning personal matters."

Shepardizing the Morrison v. Olson case shows that the Supreme Court has not acted on the constitutional issue since it was rendered, otherwise the court would have cited it in any new decision.

Because of what has happened under Independent Counsel Kenneth W. Starr, who seemed to follow the hypothetical blueprint of Justice Scalia's dissent almost to the letter (see especially at pp. 2630-2631) **IT IS TIME TO REVISIT AND REVERSE MORRISON V. OLSON!!!!**

2. The Current Set of Independent Counsel Statutes is Unconstitutional on its Face.

The Complaint stated inter alia (at pp. 3-9) that:

"8. Such statutes are unconstitutional on their face because they place the constitutional investigation and prosecutorial and impeachment powers of both houses of Congress into the hands of unqualified persons who have not been duly elected by the voters and electors in the several states, like all members of Congress must be elected. ...

9. The **delegation** by Congress of such constitutional powers to such other unqualified persons is unconstitutional and not authorized by the constitution and directly contradicts the constitution, which gives Congress 'sole authority' to impeach and try impeachments, and which gives Congress the 'power to enforce, by appropriate legislation, the provisions of the 14th Amendment to the United States Constitution,' (U.S. Const., Amend. 14(5)) and to enforce other provisions of the United States Constitution (U.S. Const. Art. I, Sec. 8(18)), but does not give Congress the power to **ABROGATE** constitutional provisions by legislation **repugnant** to the U.S. Constitution, including the Independent Counsel statutes.

10. Under the Independent Counsel statutes, those delegated have no authority from and no accountability to and no responsibility to the voters or electors. They can be 'loose cannons.'
11. If those delegated violate the civil and/or criminal and/or constitutional law, the voters and electors have no remedy.
12. Even Congress has no remedy, e.g. even if the Independent Counsel Statutes expire by their own time limit of 5 years, they 'continue in effect with respect to then pending matters before an independent counsel that in the judgment of such counsel require such continuation until that independent counsel determines such matters have been completed. (28 U.S.C. Sec. 599) (It is unclear whether removal can be by impeachment and conviction. (Sec. 596(a)(1)) The office can be terminated by the Special Division, but only when the Independent Counsel's work is done. (Sec. 596(b)(2)) If removed by the U.S. Attorney General for cause, the Independent Counsel has a right to judicial review. (Sec. 596(a)(1) and (3)) ...
13. By delegating the extremely serious constitutonal function of investigation and prosecution and impeachment to others totally outside of the constitional government, the statutes set up authority and unlimited funding and effort and time for the pursuit of many 'frivolous' activities that are critically and treasonably damaging to our constitutional government and its citizens.
14. Such statutes are thus unconstitutional on their face because they violate Article IV, Sec. IV of the United States

Constitution in which the United States guarantees to every State in the Union a Republican Form of Government.

15. The Independent Counsel statute is directly contrary to the Republican form of Government in the United States as set up in the United States Constitution. ...

18. The insidious and creeping danger to the constitution and government of the United States is evidenced by the June 30, 1994 reeanctment to Sec. 591(c)(2) adding Members of Congress to those the Independent Counsel is authorized to be investigated and 'criminalized' just like President Clinton is now.

19. Also, the judicial interpretations of the Independent counsel Statutes show unconstitutional **OVERBROAD** and conflicting interpretations of them which threaten governments of the individual states and non-government entities, which are nowhere mentioned in any of the Independent counsel Statutes, e.g." (quotes from U.S. v. Tucker, C.A.8 (Ark.) 1996, 78 F.3d 1313, rehearing and suggestion for rehearing en banc denied 82 F.3d 1423, certiorari denied 117 S.Ct. 76, 136 L.Ed.2d 35 and from U.S. v. McDougal, E.D.Ark.1995, 906 F.Supp. 499 and from U.S. v. Crop Growers Corp., D.D.C.1997, 954 F.Supp. 335)

20. Sec. 594 concerning 'Authority and Duties of Independent Counsel' has been dangerously broadly misinterpreted in other court cases:

> 'Office of Independent Counsel (OIC), which was charged with investigating possible criminal violations in connection with Department of Housing and Urban Developmente (HUD) programs, was empowered to authorize local United States Attorney's Office

(USAO) to obtain indictment against developer and his attorney alleging provision of illegal gratuities to HUD official and to consolidate that indictiment with those obtained by OIC for joint prosecution by OIC and Department of Justice (DOJ); OIC did not surrender its responsibility as to principal facets of its investigation to DOJ, and Ethics in Government Act permits cooperation between DOJ and OIC. U.S. v. Wilson, D.A.D.C.1994, 26 F.3d 142, 307 U.S. App.D.C. 1, S.Ct. 1430, 514 U.S. 1051, 131 L.Ed.2d 311.'

This incredible 'judicial' expansion of the authority of an independent counsel to 'authorize' United States Attorneys all over the nation to obtain indictments against individuals selected by independent counsel reeks of the Nazi Secret Police in Germany during World War II. The Independent Counsel statutes do not give any such authority to the OIC, but because they have been misconstrued, they are unconstitutional on their face and as applied.

21. Even worse is the following case which was reversed, showing that even if the Independent Counsel acted completely outside of his original jurisdiction- his jurisdictionless acts were unreviewable in any court!

"Independent Counsel was without authority to obtain indictment against defendants for alleged offenses completely unrelated to original prosecutorial jurisdiction which was limited to matters related to investigation of any federal violations by the President, First Lady, or their business associate regarding various real estate and business ventures,

even though Attorney General and Special Counsel referred unrelated matter to Independent Counsel; whether matter was related to original prosecutorial jurisdiction was subject to judicial review." U.S. v. Tucker, E.D.Ark.1995, 898 F.Supp.654, reversed, 778 F.3d 1313, rehearing and suggestion for rehearing en banc denied 82 F.3d 1423, certiorari denied 117 S.Ct. 76, 136 L.Ed.2d 35." (SHAME ON YOU!)

"In all other kinds of instances, executive and judicial acts are reviewable in court, and can be 'judicially' declared to be void ab initio if done without jurisdiction. The Tucker case decision interprets the Independent Counsel statute to place the Independent Counsel above the law that everybody else is subject to, and that is an unconstitutional result. It has allowed the Independent Counsel to be a 'loose cannon' - and that is just what Kenneth Starr is."

22. Because of the horrendous and repeated and continuous attacks upon the president by 'leaks' of independent counsel, and shattering effects upon his reputation and respect by the public and confidence in himself, the strong likelihood of resignation (as with President Nixon) before the impeachment process is carried out, tends to make a **CONSTITUTIONAL ATTACK UPON THESE STATUTES NEVER "RIPE" SO THAT THEY HAVE EVADED AND MOST LIKELY WILL ALWAYS CONTINUE TO EVADE CONSTITUTIONAL REVIEW. And THAT IS GROUNDS FOR THE UNCONSTITUTIONALITIY TO BE REVIEWED NOW."**

Morrison v. Olson overlooked many of the above controlling constitutional issues.

3. & 4. & 14. **The Current Set of Independent Counsel Statutes is Unconstitutional as applied, i.e. as used and abused, and President William Jefferson Clinton was Impeached for Acts which did NOT Constitute "high crimes or misdemeanors."**

The complaint states inter alia:

"28. The current investigation by the Office of Independent counsel, including Kenneth W. Starr, has focused its investigation upon whether or not President Clinton and Monica Lewinsky consented to and did touch each other in certain places with certain intents, whether or not President Clinton gave Monica Lewinsky a number of presents, and whether or not President Clinton tried to find a job for Monica L insky - **all of which investigated activities are legal private personal conduct, and none of which is illegal or criminal in any way, and none of which is 'investigatable' in the first place.**

29. The current investigation is designed to force by subpoena hundreds of persons who have absolutely no personal knowledge of any of such private legal personal conduct of the President and Monica Lewinsky, to give inadmissible and irrelevant and immaterial and not credible and contradictory hearsay testimony - about anything, and to ask Monica Lewinsky and President Clinton and hundreds of others vague and ambiguous questions designed to trick them and to entrap them into giving testimony even slightly different from someone else's - and then to try to characterize the testimony of all of them, especially President Clinton as 'perjury' and the testimony of Monica Lewinsky and others as 'perjury' having been 'suborned' by President Clinton, and to characterize the movement of gifts

given by the President to Monica Lewinsky as 'concealing evidence,' and to characterize the failure of the Independent Counsel's Office to lawfully obtain other irrelevant and immaterial information about the President's sexual activities as President Clinton's 'obstruction of justice.'

30. Such conduct by Kenneth Starr is an abuse and a perversion of Sec. 593(b)(3) of Title 28" (quoted there at p. 11). "President Clinton's sexual conduct did not 'arise' out of any investigation or prosecution that Kenneth Starr and the Office of Independent Counsel were engaged in, and was not a 'Federal crime,' and was never within the Office of Independent Counsel's jurisdiction to even begin to investigate or prosecute."

Thoroughly described in detail in the Verified Complaint are the subjects of: unconstitutionally unlimited money and resources of the Department of Justice (pp. 11-13), illegal "leaking" to the public about the Starr investigation in violation of Secs. 592(e), 592(g)(4), 593(b)(4), 593(g), 594(h)(2), 594(h)(2)(the latter concerning mass producing the Starr report with his unlimited funds and without required lawful authority (pp. 13-16) including stating at p. 16:

"No doubt, it is because when the statutes were framed by Congress, Congress intended to cause the resignation from office of any person investigated under the Independent Counsel statutes, because CONGRESS DIDN'T WANT TO PERFORM ITS OWN CONSTITUTIONAL DUTIES WITH REGARD TO ANY POSSIBLE IMPEACHMENT MATTERS. CONGRESS ITSELF SET UP FORCES COMLETELY OUTSIDE OF OUR CONSTITUTIONAL GOVERNMENT TO TAKE OVER OUR COUNTRY, AND THERBY COMMITTED TREASON AGAINST THE CONSTITUTION AND GOVERNMENT AND PEOPLE OF THE UNITED STATES."

The complaint showed case rulings how the Independent Counsel Statutes had been abused, applied unfairly, violated, misconstrued, etc. (pp. 16-21), the secret grand jury testimony of President Clinton (purportedly videotaped only because one grand juror was sick and absent) illegally "leaked" to public television stations that aired it (p. 19), felony wiretapping violations of Title 18 U.S.C. Sec. 2510 et seq. by Kenneth Starr who presented such criminally illegal and prohibited and inadmissible evidence to the grand jury (pp. 19-20), both Janet Reno and Kenneth Starr violated policies of the Department of Justice and the Independent Counsel Statutes related thereto (pp. 21-22), the 1994 amendment to Sec. 594(f) was made to be even more unconstituional (p. 22) and same for Sec. 594(h)(1)(B) (p. 23) - showing that:

> "The 1994 amendment ... had the effect of allowing an investigation to continue under inactive and never finalized prosecution forever without a report showing that it was dismissed, including the fruitless 4-year multi-million dollar out-of-time jurisictionless Whitewater fiasco!"

AND THAT IS EXACTLY WHAT IS HAPPENING STILL!

Sec. 594(i) makes the crimes of bribery and graft of the Independent Counsel and appointees not that of the Department of Justice (p. 23), Sec. 591 is overbroad because subsection (c) authorizes the investigation of persons other than the executive department, etc. listed in subsection (b) (p. 24) so that

> "This open-ended unconstitutionally overbroad inclusion of everybody in the world as a person whom the Attorney General can investigate under the independent counsel statutes could include every member of congress and every federal judge, and could completely abrogate all

impeachment powers of Congress, by an independent counsel who appoints all of his employees, none of whom have ever been elected to any office by any voters or electors. (Title 28 U.S.C. Sec. 594(c))" (p. 24)

The complaint stated inter alia at pp. 29-33:

"58. Although in the decision of In re Olson, 1987 88 F.2d 34, 260 U.S.App.D.C. 168 it was ruled that:

'Responsibility imposed on Congress by Article II empowers it to enact laws to guard against evils of massive conflicts of interest involved in enforcement of federal criminal law against highest officials of government and to vest in courts the appointment of inferior officers to carry out this responsibility.'

what has happened, in fact, is that such decision has been turned on its head, and the Independent Counsel statutes have been turned on their head, too, since the inferior officers have themselves marshalled unlimited years and unlimited money resources and their own appointed special employees and personnel of the executive branch of the government, including the Justice Department and F.B.I., to **MOUNT A FULL-TIME CRIMINALLY ILLEGAL AND PROHIBITED MASSIVE EVIL ATTACK AGAINST THE PRESIDENT OF THE UNITED STATES AND OTHER HIGHEST OFFICIALS OF GOVERNMENT FROM WITHIN WITH AN INTENT TO OVERTHROW THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES AND ALL OF THE REST OF THE ELECTED GOVERNMENT OFFICIALS, WHICH IS AN INTENT TO COMMIT 'MODERN DAY TREASON' AGAINST THE CONSTITUTION AND PEOPLE AND GOVERNMENT OF THE UNITED STATES. OVERT ACTS HAVE BEEN DONE BY ALL OF THEM AND TREASON HAS OCCURRED ALREADY!** (U.S. Const., Art. III, Sec. 3(1))

59. The office of Independent Counsel

is 'not a position with the government.' U.S. v. International Brothers of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, S.D.N.Y.1992, 808 F.Supp. 271. That office is outside of the United States Government, but it has the power under the statutes and as abused by Kenneth Starr, to overthrow the President of the United States and other duly elected high government officers, including every member of congress. (Sec. 591(c)(2)) The Independent Counsel statutes are therefore unconstitutional on their face and as applied, since it sets up the overthrow, by outside forces, of the duly elected government of the United States.

60. In Dellums v. Smith, D.C.Cal.1984, 557 F.Supp. 1449, reversed on other grounds 797 F.2d 817 it was ruled that:

> "Fundamental purpose of this chapter is to ensure that serious allegations of unlawful conduct by federal executive officials are subject to review by counsel independent of any incumbent administration."

However, that is not what has happened. Instead, personal sexual activities of President Clinton, which were not in any way unlawful or criminal, and which had nothing to do with the official duties as President of the United States, were ... Even if 'modern day **TREASON** had not actually resulted, the statutes on their face, and as interpreted by the Dellums case judge, set up the mechanics for the overthrow of the United States government, by taking control of the government from the government and putting control of it into the hands of unelected unqualified unknown individuals who are 'loose cannons' and putting them 'above the law.'

61. The voters and electors and all citizens of the United States are alarmed and upset and confused and surprised and

sick and tired of the extended goings on of the Office of Independent Counsel and the unprecedented use of (and criminally unlawful 'leaks' to) the news media to publicize its activities and to defame the President of the United States, and its imminently potential effect of bringing the President and the Congress to a grinding halt to try to deal with the widespread public alarm over the problem created entirely by the Office of Independent Counsel and the statutes and persons involved in using them. THE PUBLIC IS SO INFLAMED ON BOTH SIDES OF THE ISSUES, THAT THE LIFE OF THE PRESIDENT OF THE UNITED STATES IS IN GRAVE DANGER FROM THE EXTREME RIGHT WHICH USES VIOLENCE AS ITS 'JUSTIFIED' AND 'RIGHTEOUS' MODUS OPERANDI, AND THE VIOLENT OVERTHROW OF THE UNITED STATES GOVERNMENT IS IN GRAVE DANGER OF BEING INCITED BY THE OFFICE OF INDEPENDENT COUNSEL AND CONGRESS BY THEIR ILLEGAL AND UNCONSTITUTIONAL AND CRIMINAL ACTIVITIES AND ATTACKS UPON THE PRESIDENT OF THE UNITED STATES. ...

63. The Independent Counsel Statutes and all persons related to activities related to President Clinton, have unconstitutonally abused the power within them, not to 'seek justice' or to 'protect the nation from criminal misconduct in high government office,' but to bring about the unconstitutional overthrow of the entire United States government, outside of the power of the voters and electors, and such constitutes 'modern day TREASON. ...

65. The activities of the Office of Independent Counsel and Kenneth W. Starr with respect to President Clinton and Monica Lewinsky have been politically motivated from the start and never related to any original impeachable offense, and constitute an abuse of that office and of

the Independent Counsel statutes, and an imminent threat to the voting franchise of all citizens of the United States."

Herbert J. Miller and John P. Elwood published an article entitled "The Independent Counsel Statute; an Idea Whose Time Has Passed" and the abstract of that article states:

"The Independent Counsel Act was created by Congress under the erroneous belief that high officials would not be subject to equal justice unless subjected to prosecution by someone outside the Department of Justice. As a result, some independent counsels, being accountable to no one, have severely harmed targets and witnesses with impugnity. Even more importantly, the Act has undermined the public's confidence in the integrity of the political system." (Law and Contemporary Problems, Winter 1999, Vol. 62, issue No. 1, pp. 113-129)

5. There was a R.I.C.O. Conspiracy Involved in relation to the Set of Independent Counsel Statutes that Kenneth W. Starr and/or his Conspirators Used Against President William Jerrerson Clinton and others. (See pp. 36-85 of the Complaint, claim #3 entitled "ALL NAMED DEFENDANTS ARE MEMBERS OF A CIVIL AND CRIMINAL CONSPIRACY WHICH INCLUDES A RACKETEERING INFLUENCED CORRUPT ORGANIZATION (R.I.C.O.), IN VIOLATION OF TITLE 18 U.S.C. SEC. 1962".)

The "Starr Report" dated 9/9/98 admitted to over 29 wire-tap tapes recorded by Linda Tripp in conversations with Monica Lewinsky, which were played to the grand jury and used against President Clinton. There are 3 different ways to commit that federal felony crime (Title 18 U.S.C. Secs. 2510, 2511, 2514, 2515, and 2516, et seq) and State of Maryland wiretap statutes ("Courts and Judicial Proceedings" Secs. 10-401, 10-402, 10-405, et seq) as well as Federal Rules of Criminal Procedure, Rule 6(e)), i.e. 1. to

tape the conversation, 2. to reveal it to another, and 3. to use it (as Kenneth Starr did). "Wiretapping" is a "predicate offense" and it takes only 2 to constitute a "pattern of racketeering activity" in violation of the R.I.C.O. statute. (See complaint pp. 39-47.)

Pages 40-85 of the complaint devoted at least one paragraph to each defendant, describing specifically the dates and times and places that that person conspired to or did overt acts in the furtherance of the R.I.C.O. conspiracy and how they fitted into the scheme. Much of that information came from that specific information in the 9/9/98 "Starr Report," and at a jury trial demanded at bar, Kenneth Starr would have to admit all of it!

6. & 7. & 8. **Members of that R.I.C.O. conspiracy, including the defendants below, obstructed one or more constitutional challenges to that set of Independent Counsel statutes, including, but not limited to the one below, and unconstitutionally purported to sua sponte authorize the current set of Independent Counsel statutes to continue in force despite the fact that they have expired on 6/30/99, and unconstitutioally obstructed the adjudication of the R.I.C.O. claim below.**

It should be noted that both the United States District Court for the District of Columbia and the Special Division of the United States Court of Appeals for the District of Columbia are named defendants in this case.

On 8/18/99 a sua sponte motion was decided by the (defendant below) Special Division of the United States Court of Appeals for the District of Columbia (In re: MADISON GUARANTY SAVINGS & LOAN ASSOCIATION, 187 F.3d 652 (D.C.Cir. 1999)) which explained and was headnoted as follows:

"On its own motion, the Court of Appeals considered whether office of independent

counsel should be terminated, and concluded that it should not be. Ordered accordingly. ... Before: SENTELLE, Presiding Judge, FAY and CUDAHY, Senior Circuit Judges. Opinion of the Special Division filed PER CURIAM. Dissenting Opinion filed by Senior Judge CUDAHY.

1. United States.
   Court of Appeals could not constitutionally supervise independent counsel.
2. District and Prosecuting Attorneys.
   Where the Division for the Purpose of Appointing Independent Counsels had inquired of independent counsel five years after appointment and received his assurance that his work is ongoing, and there was no motion from the Attorney General **nor any application by any other party having standing to bring before the court an Article III controversy**, Court of Appeals would not look beyond the public record to seek support for the proposition the work was ongoing, involving at least the production of a final report, and thus office of independent counsel would not be terminated. **U.S.C.A. Const. Art.3, Sec. 1 et seq; 28 U.S.C.A. Sec. 596(b)(2)**

   ORDER - Pursuant to the Independent Counsel Reauthorization Act of 1994, 28 U.S.C. Secs. 591-599 (1994), the court, on its own motion, concludes that termination of the office of Independent Counsel in the above-captioned matter is not currently appropriate under the standard set forth in 28 U.S.C. Sec. 596(b)(2)."

BUT SEC. 596 IS UNCONSTITUTIONAL, BECAUSE IT LETS THE INDEPENDENT COUNSEL CONTINUE IN OFFICE SPENDING MILLIONS OF DOLLARS EVERY YEAR UNTIL THE END OF TIME, WHEN NO FINAL REPORT IS EVER REQUIRED, AND THE SPECIAL DIVISION CLAIMS THAT IT DOES NOT EVEN NEED ANY EVIDENCE WHATSOEVER THAT THE INVESTI-

GATION IS IN FACT ONGOING, BECAUSE IT DOESN'T WANT TO "SUPERVISE" HIM - BECAUSE MORRISON V. OLSON, SUPRA, RULED THAT THEY CAN'T (PERVERTING MORRISON V. OLSON). HOW CRAZY CAN YOU GET? UNLIMITED MILLIONS OF DOLLARS GOING STRAIGHT DOWN THE DRAIN FOR THIS FARCE!

Everybody knows that Kenneth Starr has gone home! How can the Special Division appoint his successor (Robert Ray) when it has no authority in law to newly appoint any more?

Furthermore, MY laswuit was a "case or controversy" under Article III, containing the R.I.C.O. claim in addition to the constitutional challenges "intertwined" in it, and MY lawsuit was unconstitutionally (denied due process) dismissed sua sponte (for the party-waivable defenses of "lack of standing" and "lacking specificity" - a LIE and not raised by any party) 6 days after I filed it and while summonses offered at filing were obstructed and never issued - by one of the defendants in MY lawsuit, the U.S. District Court for the District of Columbia. That obstruction was an overt act in the furtherance of the R.I.C.O. conspiracy that I was complaining about! (I did Fed. R. Civ. Proc. Rule 4(d)(2) service by mail on all defendants.)

The Special Division's sua sponte order is DEMONSTRATIVE EVIDENCE THAT THE INDEPENDENT COUNSEL STATUTES ARE UNCONSTITUTIONAL - BECAUSE THEY ARE INTERPRETED SUCH THAT NOBODY HAS "STANDING" TO CHALLENGE THEM!

My appeal to the Court of Appeals for the District of Columbia was dismissed for the reasons below - totally ignoring all of the issues I raised on my appeal to it. NO PARTY RAISED ANY ISSUE UPON WHICH MY LAWSUIT WAS DISMISSED. THE PRESIDING JUDGE ILLEGALLY (Title 28 U.S.C. Sec. 454) PRACTICED LAW IN BEHALF OF THE DEFENDANTS, INCLUDING THE R.I.C.O. CONSPIRACY!

Furthermore, how can the Special Division

court have the power to keep the Independent Counsel's appointment going when the statute authorizing the appointment has expired by Act of Congress? **THAT IS ANOTHER REASON WHY THE SET OF INDEPENDENT COUNSEL STATUTES ARE UNCONSTITUTIONAL - THE SPECIAL DIVISION IS THUMBING ITS NOSE AT CONGRESS!**

THIS COURT IS CONSTRAINED TO ISSUE A WRIT OF SUPERVISORY MANDAMUS TELLING THE SPECIAL DIVISION BELOW THAT IT HAS NO AUTHORITY TO APPOINT A NEW INDEPENDENT COUNSEL TO TAKE KENNETH W. STARR'S PLACE OR TO SUA SPONTE ISSUE ANY ORDER THAT CONTINUES MILLIONS OF DOLLARS OF EXPENDITURES, BASED UPON INDEPENDENT COUNSEL STATUTES THAT EXPIRED ON JUNE 30, 1999.

As long as the Special Division is relying upon and interpreting and acting on the expired Independent Counsel statutes **AS THOUGH THEY WERE STILL IN FORCE**, this lawsuit and the constitutional challenges and the writs sought are "not moot."

9. **There is a right of each and every citizen to vote, which is so important as to be specifically protected by the U.S. Constitution (Amendments 15 and 19, etc.), and that right is unabridgable, and, therefore, there is a right for each and every citizen to petition the government for redress when their right to vote for the President of the United States is about to be nullified through unconstitutional means and activities.**

Because of those unabridgable consti-tutional rights to vote and First Amendment right to petition the government for redress, voter Plaintiff Muka below and voter Petitioner Muka in this court has a constitutional right to have her 3 petitions granted, for certiorari, for mandamus and her First Amendment Petition to redress the unconstitutional (abridging due process and equal protection) dismissal of her complaint of constitutional challenges affecting her

voting rights and "intertwined" R.I.C.O. claim **NOT OPPOSED BY ANY NAMED DEFENDANT.**

10. It is constitutionally incumbent upon the United States Supreme Court to protect and uphold the Constitution of the United States and the "republican form of government" by preventing the demonstrated danges to the overthrow of the government by "white collar treason." (U.S. Const., Art. IV, Sec. 4 and Art. VI, Secs. 2 and 3 and Title 28 U.S.C. Sec. 453)

11. The set of Independent Counsel statutes unconstitutionally delegate powers and immunities to an Independent Counsel who is given unlimited resources and is unelected and not responsible to or required to make any report to any executive, legislative or judicial branch of the government, which PLACES HIM OUTSIDE OF THE SYSTEM OF CHECKS AND BALANCES OF OUR CONSTITUTION! (Read the entire Verified Complaint below, and compare it with the current set of Independent Counsel statutes.)

12. A Writ of Mandamus should be issued to the Circuit and U.S. District Court below upon remand to determine the amount of R.I.C.O. damages to be awarded.

Every named defendant received a mailed copy of the Verified Complaint and waiver of service of summons forms, and it was their "duty to save costs of service." The office of one congressman who had died immediately notified me of that fact by letter, so I know that all of them received their copy. NOBODY APPEARED AND NOBODY RAISED ANY DEFENSE AND NOBODY DENIED ANY STATEMENT OF FACT OR LAW IN THE VERIFIED COMPLAINT, AND NOBODY DENIED THAT PLAINTIFF HAD SUFFERED ACTUAL AND COMPENSATORY DAMAGES TO HERSELF, HER BUSINESS AND HER PROPERTY.

The presiding judge practiced law in their behalf by fabricating defenses that only a party can raise or waive, and which no party raised, only the presiding judge. Upon

reversal and remand this court ought to direct the Court of Appeals below to order the U.S. District Court below to hold the jury trial demanded, for the purpose of determining the amount of damages to be awarded to the Plaintiff/Petitioner and against all defendants/respondents sued as jointly and severally liable.

13. President William Jefferson Clinton was impeached on no admissible evidence.

The only person who testified before the House of Representatives was Kenneth W. Starr, the Independent Counsel himself, who had no personal knowledge of any of the facts upon which impeachment was based. His ethics advisor resigned when he did that, because an attorney cannot be both an advocate and a witness. Starr had not interviewed any of the witnesses in the whole investigation, except Monica Lewinsky. Everything he testified to was inadmissible hearsay. This court owes it to the public and to history to declare this fact.

14. President William Jefferson Clinton was impeached for acts which did not constitute "high crimes and misdemeanors."

His sexual activities were not crimes or misdemeanors at all. His consentual sexual contacts (of whatever degree) were outside the scope of the Paula Corbin Jones claim that was for unwanted sexual advances, and it was error for Arkansas Judge Susan Webber Wright to compel the President of the United States (or any man) to tell about all of his sexual activities in his life, or any of them other than the one complained about. It was the fault of Judge Wright that things got out of hand by her too-broad orders for discovery. If she hadn't been so erroneous and unreasonable, President Clinton would never have been asked about them - unexpectedly, nor faulted for a lack of total recollection of them on the spot.

Even if President Clinton lied under oath

at depositions about his sexual activities unrelated to Paula Corbin Jones, it wasn't "perjury" because that information was "not material" in that Paula Corbin Jones case.

Even if President Clinton lied under oath about a fact that was material in the Paula Corbin Jones case, and even if he committed perjury by doing so, LYING UNDER OATH ABOUT HIS SEXUAL ACTIVITIES HAS ABSOLUTELY NOTHING TO DO WITH PERFORMING HIS DUTIES AS PRESIDENT OF THE UNITED STATES, AND THAT LYING COULD NOT POSSIBLY HAVE CONSTITUTED "HIGH CRIMES AND MISDEMEANORS."

This honorable court owes it to me and to the voters and the taxpayers and to the public and to history and to President Clinton and his family, and to the greatly imperiled country - TO DECLARE THAT EVEN PERJURY ABOUT A PUBLIC OFFICIAL'S PRIVATE SEXUAL ACTIVITIES THAT DOES NOT HAVE ANY CONNECTION WITH THE PERFORMANCE OF HIS OFFICIAL DUTIES - CANNOT CONSTITUTE "HIGH CRIMES OR MISDEMEANORS" FOR WHICH HE CAN BE IMPEACHED!

15. The United States Supreme court has a constitutional duty to this citizen petitioner and to all citizens of t he United States and to all inhabitants of the world, and to set history straight, to declare the current Independent Counsel set of statutes unconstitutional on their face and as applied, and the impeachment of President William Jefferson Clinton constitutionally flawed.

16. THIS CASE IS ONE OF GREAT PUBLIC INTEREST, IN THE PAST, IN THE PRESENT, AND MOST IMPORTANTLY OF ALL FOR THE FUTURE.

The next time a conspiracy such as Kenneth W. Starr's tries it, this country may be thrown into a civil war, since the control of the government will have been usurped by an unstoppable and tyrannical dictator supported by unconstituitonal Independent Counsel laws, removing executive and legislative officers.

17. The Court below has so far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by the lower court, as to call for an exercise of this Court's supervisory power. (See issues # 6, 7 and 8 above on pp. 23-25, and "Opinions Below" on p. 2 above)

18. The Special Division of the Court of Appeals for the District of Columbia has perverted this court's holding in Morrison v. Olson, Dist.Col. 1988, 108 S.Ct. 2597, 487 U.S. 654, 101 L.Ed.2d 569, on remand 857 F.2d 801, 273 U.S.App.D.C. 10, to such an extent that Supervisory Mandamus should issue. (See issues #6, 7 and 8 above on pp. 23-26.)

CONCLUSION

Petitioner respectfully requests this honorable court to grant the ~~three~~ petitions, for certiorari, ~~for~~ including supervisory mandamus, ~~and First Amendment petition for redress,~~ and to decide the merits of the challenges that the current set of Independent Counsel laws are unconstituional on their face and as applied and abused by a R.I.C.O. conspiracy to overthrow the duly elected government of the United States, and which statutes (and independent counsels and million dollar expenses) remain in operation despite having expired on 6/30/99, and pose a "clear and present danger" to the republican form of government guaranteed by the United States Constitution, by "independent" forces completely outside of the control of all three branches of government, because of the mechanism set up to accomplish "white collar TREASON" to overthrow the elected government of the people, including the voters like petitioner.

Respectfully submitted,

Betty O. Muka

Betty O. Muka, Petitioner

Dated: December 3, 1999

APPENDIX

App. A

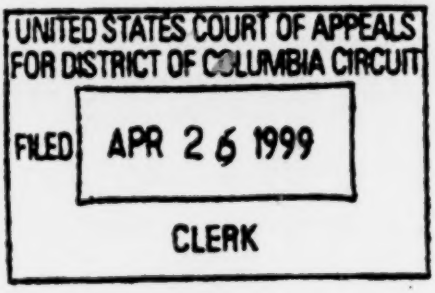
United States Court of Appeals
for the District of Columbia Circuit

No. 98-5521 September Term, 1998
98cv02470

Betty Muka,
Appellant

v.

The Rutherford Institute, et al.
Appellees



APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BEFORE: Ginsburg, Henderson, and Randolph,
Circuit Judges

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. The court has determined that the issues presente occasion no need for an opinion. See D.C. Cir. rule 36(b). It is

ORDERED and ADJUDGED that the district court order filed October 22, 1998, be affirmed substantially for the reasons stated by the district court. To the extent appellant contends the district court judge who dismissed her complaint should have been recused, she has not alleged a valid basis for such recusal. See 28 U.S.C. Sec. 455; Lietky v. United States, 510 U.S. 540, 555 (1994) (judicial rulings alone almost never constitute valid basis for a bias or partiality motion).

The Clerk is directed to whthhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam (initials) DG, KLH, ABR
Bills of costs must be filed within 14 days after entry of judgment. The Court looks with disfavor upon motions to file bills of costs out of time.

App. B

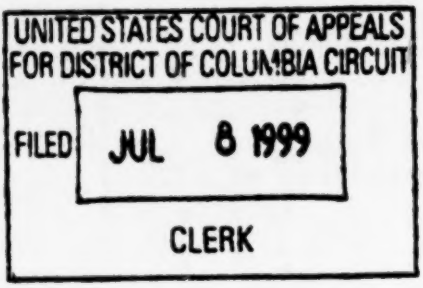
United States Court of Appeals
for the District of Columbia Circuit

No. 98-5521 September Term, 1998
98cv02470

Betty Muka,
Appellant

v.

The Rutherford Institute, et al.
Appellees



BEFORE: Ginsburg, Henderson, and Randolph, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing filed June 10, 1999, such filing also including a request for a permanent injunction, and of appellant's brief, addendum and appendix, it is

ORDERED that the petition be denied. The request for an injunction is dismissed as moot.

Per Curiam

FOR THE COURT
Mark J. Langer, Clerk
By (signature)
Robert A. Bonner
Deputy Clerk

App. C

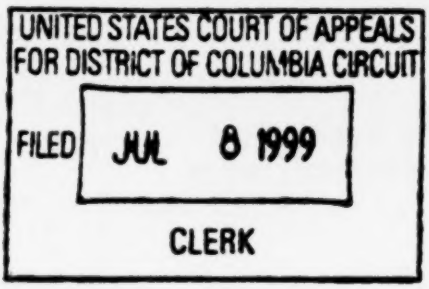
United States Court of Appeals
for the District of Columbia Circuit

No. 98-5521 September Term, 1998
98cv02470

Betty Muka,
Appellant

v.

The Rutherford Institute, et al.
Appellees



BEFORE: Edwards, Chief Judge; Wald, Silberman, Williams, Ginsburg, Sentelle, Henderson, Randolph, Rogers, Tatel and Garland, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, brief, addendum and appendix, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT
Mark J. Langer, Clerk
By (signature)
Robert A. Bonner
Deputy Clerk

Circuit Judges Sentelle and Garland did not participate in this matter.

App. D

United States District Court
for the District of Columbia

Betty Muka,
Appellant
v.
The Rutherford Institute, et al.
Appellees

Civil Action No. 98-2470
(HHG)

FILED

OCT 21 1998

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

ORDER

Plaintiff, who is proceeding pro se, filed the above action on October 16, 1998. She seeks to challenge the Independent Counsel statutes as unconstitutional through her complaint which requests a three judge court to review. Construing the complaint liberally, see Haines v. Kerner, 404 U.S. 519 (1972)(per curiam), the Court finds that the complaint is defective in several respects and must accordingly be dismissed.

First, plaintiff lacks standing. Plaintiff asserts that she voted for William Clinton as President in 1996, and that her constitutional rights are being nullified by the defendants in their attempts to impeach or cause Presidente Clinton to resign. In the Court's view, the prerequisite standing requirement has not been met by plaintiff, and accordingly, on this basis, plaintiff's complaint fails. See Winpisinger v. Watson, 628 F.2d 133 (D.C.Cir. 1980).

Second, plaintiff has ignored the requirement found in Federal Rule of Civil Procedure 8(a), which requires 'a short and

plain statement' of the basis for jurisdiction and of her claims. Plaintiff has failed to allege with any specificity how she has been harmed, by whom, or the date(s) or places of the particular acts, or against whom the acts complained of specifically involve. Defendants cannot be required to prepare an adequate defense based on such vague and conclusory allegations. The District Court is permitted to review the factual allegations of complaints with disbelief. Nietzke v. Williams, 490 U.S. 319, 327-328 (1989).

For these reasons, it is this ___ day of October, 1998

ORDERED by the Court that the above action be and it is hereby dismissed.

(signature)

Harold H. Greene
United States District Judge

App. E

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

William K. Suter
Clerk of the Court

AREA CODE 202

October 13, 1999

Ms. Betty Muka
113 Kay Street
Ithaca, NY 14850

Re: Betty Muka
v. The Rutherford Institute, et al.
Appliation No. 99A298

Dear Ms. Muka:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to the Chief Justice, who on October 13, 1999, extended the time to and including December 3, 1999.

This letter has been sent to those designated on the attached notification list.

Pursuant to Rule 29.5, forward service upon opposing counsel.

Sincerely,
WILLIAM K. SUTER, Clerk
By (signed)
Loretta S. Ruffin
Assistant Clerk

App. F

United States Court of Appeals
for the District of Columbia Circuit

No. 98-5521 September Term, 1999
98cv02470

Betty Muka,
Appellant

v.

The Rutherford
Institute, et al.
Appellees

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIR
FILED
NOV - 3 1999
CLERK

ORDER

Upon consideration of appellant's unopposed motion for a second stay of the court's mandate, and in light of the action of the Supreme Court taken on October 13, 1999, extending appellant's time within which to file a petition for writ of certiorari, it is

ORDERED that the Clerk is directed to withhold issuance of the court's mandate through December 3, 1999.

FOR THE COURT
Mark J. Langer, Clerk
By (signature)
Robert A. Bonner
Deputy Clerk

TABLE OF CONTENTS TO APPELLANT'S BRIEF

Page	Description
i	Certificate as to Parties, Rulings, and Related Cases
ii	Table of Contents To Appellant's Brief
iv	Table of Contents to Addendum of Verbatum Quotation of Statutes, etc. (separately bound, ADD-1 to ADD-48)
v	Table of Contents to Appendix (separately bound, A-1 to A-151) (Appendix constitutes entire Record on Appeal)
vi	Table of Cases (alphabetically arranged)
viii	Table of Statutes and Other Authorities Cited
1	Statement of Subject Matter and Appellate Jurisdiction
2	Statement of the Issues Presented for Review
3	Statement of the Case
5	Summary of Argument
7	Argument
7	POINT I - THE "INDEPENDENT COUNSEL STATUTES" (TITLE 28 U.S.C. SECS. 591-599 AND 49) ARE UNCONSTITUTIONAL ON THEIR FACE AND POSE A DANGER TO THE DULY ELECTED GOVERNMENT OF THE UNITED STATES, AND SHOULD BE REPEALED OR IMMEDIATELY ENJOINED FROM ENFORCEMENT AND DECLARED VOID.
7	POINT II - THE "INDEPENDENT COUNSEL STATUTES" (TITLE 28 U.S.C. SECS. 591-599 and 49) ARE UNCONSTITUTIONAL AS APPLIED, AND AS ABUSED BY KENNETH STARR, INDEPENDENT COUNSEL, IN THE REPUBLICAN PARTY'S ATTEMPT TO NULLIFY THE NATIONAL ELECTION OF A DULY ELECTED AND QUALIFIED AND SUCCESSFUL AND POPULAR PRESIDENT, WILLIAM JEFFERSON CLINTON, AND THE STATUTES SHOULD BE REPEALED OR IMMEDIATELY ENJOINED FROM ENFORCEMENT AND DECLARED VOID.

TABLE OF CONTENTS TO APPELLANT'S BRIEF (CONTINUED)

Page	Description
8	POINT III -ALL NAMED DEFENDANTS ARE MEMBERS OF A CIVIL AND CRIMINAL CONSPIRACY WHICH INCLUDES A RACKETEERING INFLUENCED CORRUPT ORGANIZATION (R.I.C.O.), IN VIOLATION OF TITLE 18 U.S.C. SEC. 1962, WHICH HAS INJURED PLAINTIFF, AND MONEY DAMAGES SHOULD BE AWARDED IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANTS SUED AS JOINTLY AND SEVERALLY LIABLE.
9	A. PLAINTIFF HAS ADMISSIBLE EVIDENCE OF THE BASIS OF HER RICO CLAIM AND THE OTHER TWO INCLUDED CLAIMS, AND THE EVIDENCE IS CITED AND STATED WITH SPECIFICITY IN HER VERIFIED COMPLAINT, WHICH IS NOT "VAGUE" AND IS NOT MERELY "CONCLUSORY," AS JUDGE GREEN WRONGLY CHARACTERIZES IT, AND DEFENDANTS KNOW FULL WELL WHAT THE BASIS OF PLAINTIFF'S CLAIMS ARE, AND ALL DEFENDANTS CAN ANSWER AND ATTEMPT TO DEFEND AGAINST THEM.
12	B. PLAINTIFF HAS "STANDING" TO BRING THIS LAWSUIT, AND NOTICE OF SUCH "STANDING" APPEARED ON THE FACE OF THE VERIFIED COMPLAINT, AND JUDGE GREENE WAS WRONG IN HIS SUA SPONTE ORDER TO THE EFFECT THAT PLAINTIFF HAD "NO STANDING." (Title 18 U.S.C. Sec. 1964(c))
14	C. PLAINTIFF' PLEADINGS WERE LEGALLY SUFFICIENT AND PROPER AS TO LENGTH AND CONTENT, AND JUDGE GREENE'S SUA SPONTE ATTACK UPON SUCH WERE FALSE AS A MATTER OF FACT AND ERRONEOUS AS A MATTER OF LAW. (FED. R. CIV. PROC. RULES 8(a) AND 9(b))

TABLE OF CONTENTS TO APPELLANT'S BRIEF (CONTINUED)

Page	Description
17	POINT IV - PLAINTIFF HAD A RIGHT TO HAVE THE CLERK ISSUE THE SUMMONSES WHEN PLAINTIFF PAID HER FILING FEE AND FILED HER VERIFIED COMPLAINT, AND THE CLERK VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS TO DUE PROCESS OF LAW BY OBSTRUCTING PLAINTIFF'S LAWSUIT.
19	POINT V - APPEARANCES AND FILING OF PAPERS IN LAWSUITS ARE LIMITED BY THE FEDERAL RULES OF CIVIL PROCEDURE TO "PARTIES" OR "INTERVENORS" WHO HAVE BEEN PERMITTED BY ORDER OF THE COURT UPON FILING THEIR PROPOSED PLEADING, AND NOBODY ELSE. THE PRESIDING JUDGE IS NOT AUTHORIZED TO DO THOSE THINGS HIMSELF.
20	POINT VI - IT IS UNLAWFUL AND AN IMPEACHABLE OFFENSE FOR A JUDGE TO PRACTICE LAW, ESPECIALLY IN PROCEEDINGS OVER WHICH HE IS PRESIDING AS A JUDGE, AS JUDGE GREENE DID BELOW.
22	POINT VII -IT WAS UNLAWFUL FOR JUDGE GREEN TO PRESIDE OVER THIS CASE AT ALL, BECAUSE HE WAS REQUIRED TO RECUSE HIMSELF FOR HIS BIAS IN FAVOR OF CORRUPT GOVERNMENT EMPLOYEES AND OTHER PERSONS, AND HIS PREJUDICE AGAINST PLAINTIFFS REPRESENTING THEMSELVES.
23	POINT VIII-UNDER TITLE 42, CHAPTER 20 ENTITLED "ELECTIVE FRANCHISE" THERE ARE MANY SECTIONS WHICH AUTHORIZE A 3-JUDGE DISTRICT COURT TO BE APPOINTED AND AN APPEAL THEREFROM TO BE TO THE UNITED STATES SUPREME COURT, SIMILAR TO UNDER TITLE 42 U.S.C. SEC. 2284 REQUESTED AT BAR BECAUSE OF THE IMMINENT NULLIFICATION OF THE NATIONAL ELECTIONS, AND THERE IS A "PRIVATE RIGHT OF ACTION" IN ADDITION TO THE UNITED STATES ATTORNEY GENERAL'S DUTIES IN THAT AREA.

TABLE OF CONTENTS TO APPELLANT'S BRIEF (CONTINUED)

Page	Description
30	POINT IX - JUDGE GREENE BELOW VIOLATED HIS STATUTORY DUTIES UNDER TITLE 28 U.S.C. SEC. 2403 TO NOTIFY THE U.S. ATTORNEY GENERAL OF THE CONSTITUTIONAL QUESTIONS RAISED IN THIS ACTION.
31	POINT X - THE COURT BELOW COMMITTED GROSS, MATERIAL, PREJUDICIAL, REVERSIBLE ERROR BY WAY OF ITS 10/22/98 SUA SPONTE DISMISSAL ORDER.
36	CONCLUSION-ADJUDICATE MERITS, GRANT INJUNCTION STOPPING ENFORCMENT OF UNCONSTITUTIONAL "INDEPENDENT COUNSEL STATUTES" AFTER HEARING WITH U.S. ATTORNEY GENERAL, VACATE UNAUTHORIZED SUA SPONTE DISMISSAL, REMAND TO DIFFERENT JUDGE, ORDER CLERK TO ISSUE SUBPOENAS, ORDER JURY TRIAL ON DAMAGES.
37	PROOF OF SERVICE
See:	Addendum of Verbatum Quotation of Statutes - bound separately
See:	Appendix (constituting Record on Appeal) bound separately

CERTIFICATION OF SERVICE

I hereby certify that on 12/3/00 I mailed by first class mail a copy of this multiple petition to every party or party's attorney who appeared in the U.S. District Court below and in the U.S. Court of Appeals below.

Betty Muka

Betty Muka